

Message

From: Wade, Alexis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5C9FBA2EF8444572A39185242B70593B-WADE, ALEXIS]
Sent: 4/30/2020 3:12:12 PM
To: Wehling, Carrie [Wehling.Carrie@epa.gov]
CC: Kupchan, Simma [Kupchan.Simma@epa.gov]
Subject: FW: Confirming ESA FRN documents for docket
Attachments: FDEP Summary Paper - ESA Consultation with Assumption Approval.pdf; FDEP Email to EPA on 07.17.19 email only word version.docx

Carrie – here is the summary of the FL white paper that the program wants to include in the docket. Simma and I think the summary and the white paper should be included. They go hand in hand.

Alexis Wade
Attorney-Adviser
Water Law Office
EPA Office of General Counsel
(202) 564-3273

From: Chemerys, Ruth <Chemerys.Ruth@epa.gov>
Sent: Thursday, April 30, 2020 10:52 AM
To: Wade, Alexis <Wade.Alexis@epa.gov>
Subject: Re: Confirming ESA FRN documents for docket

Alexis-

Here's the summary. It was attached to the 7.17.19 email from FDEP to Dave Ross and Matt L along with the white paper itself. I'm also attaching the email itself, which we would add to the docket.

Ruth

From: Wade, Alexis <Wade.Alexis@epa.gov>
Sent: Thursday, April 30, 2020 10:26 AM
To: Chemerys, Ruth <Chemerys.Ruth@epa.gov>
Subject: RE: Confirming ESA FRN documents for docket

Can you send me the summary of the white paper? I'm blanking on what that is exactly. An EPA summary?

Alexis Wade
Attorney-Adviser
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(202) 564-3273

From: Chemerys, Ruth <Chemerys.Ruth@epa.gov>
Sent: Wednesday, April 29, 2020 1:40 PM
To: Wade, Alexis <Wade.Alexis@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Subject: Confirming ESA FRN documents for docket

Alexis or Simma-

Would one of you please confirm whether all of the attached documents should be in the docket as supporting documents for the ESA FRN. My apologies if you've already done so.

All of the attached documents are in the docket now, except the 316(b). let me know if any should be removed.

The following are not in the docket and can add - but not sure about 316(b)):

316(b) FR notice 8-15-14
7.17.19 email from FDEP transmitting the white paper and summary
FL white paper
Summary of FL white paper

I don't know if we'd need to add a pdf of 404(g) or ESA section 7 and 10, but if so, let me know.

Last, let me know of anything else to add.

Thanks very much!
Ruth

From: Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Sent: Wednesday, April 29, 2020 11:22 AM
To: Chemerys, Ruth <Chemerys.Ruth@epa.gov>
Subject: FW: FRN Documents

Ruth, here is an email discussing what we thought should be in the docket.

I have sent you an email with a link to the folder on my one drive. But here it is. All these attachments are in that file.

Ex. 6 Personal Privacy (PP)

From: Kelly, Stephanie <kelly.stephanie@epa.gov>
Sent: Thursday, January 02, 2020 4:06 PM
To: Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: FRN Documents

Hey Kathy,

All documents have been checked for ADA compliance. A few of the issues within the documents could not be completely resolved due to the solution being grayed out aka not able to be selected to fix the issue. As you know I couldn't really fix the 2014 FRN because of the document protections. I fixed what it would allow me to fix (anything manual) and I am still looking for the link to the FRN. As for the other documents, perhaps your Adobe will behave better than mine?

Ex. 5 AC/DP

On a similar subject you had asked me if we ever got clarification or it was asked but to be best of my knowledge we never received an answer. Anyway, on December 17th, you emailed Mike and Alexis asking them if the below was the appropriate list of documents to include for the FRN.
(taken from your email on December 17th, 2019
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1. FRN Notice sent out in August 2014
2. Incoming analysis from FL
3. Incoming ECOS ASWM letter requesting clarification and ECOS Streamlining Memo on 404(g)
4. 2010 Pete Silva Letter
5. 2010 Email from NMFS on EPA 404(g)
6. 2010 Email from USFWS on EPA 404(g)
7. MOA of FWS, EPA and NJDEP; (probably don't want this in docket)

Legal Documents:

1. National Assn. of Home Builders v. Defenders of Wildlife Case
2. Link (or PDF) to CWA section 404(g)
3. Link (or PDF) to ESA Section 7 and 10"

I was also copied on that email. I did not see a response from either Mike or Alexis. Would you like me to follow up with them?

I don't mind. Let me know if there is anything further you would like me to do to assist in the FRN.

Sincerely,

Stephanie

Stephanie Kelly | Physical Scientist | Program Development and Jurisdiction Branch
U.S. Environmental Protection Agency, Office of Water | 202-566-0890